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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 DK SMITH INTERNATIONAL TRADE,
12 INC., *et al.*,

13 Plaintiffs,

14 v.

15 GLOBAL SALES GROUP COMPANY, *et*
16 *al.*,

17 Defendants.

18 CASE NO. 2:20-cv-00744-RSM-JRC

19 ORDER GRANTING STIPULATED
20 MOTION TO WITHDRAW
21 MOTION TO DISMISS

22 This case has been referred to the undersigned by the District Court. *See* Dkt. 12. This
23 matter is before the parties' stipulated motion to withdraw plaintiff/counter-defendant Barry
24 Smith's ("Smith") motion to dismiss defendant/counter-claimant Global Sales Group Company's
25 ("Global Sales") counterclaim (Dkt. 9) against Smith. *See* Dkt. 14.

26 On June 12, 2020, Global Sales filed its answer to the complaint (Dkt. 1), also raising a
27 counterclaim against plaintiffs/counter-defendants Smith, Kyla Smith and DK Smith
28 International Trade Inc. ("DK Smith International"). *See* Dkt. 9.

1 On July 1, 2020, Smith filed a motion to dismiss Global Sales' counterclaim against him.

2 *See Dkt. 14.*

3 On July 22, 2020, Global Sales filed a restated answer and amended counterclaim
4 pursuant to Fed. R. Civ. P. 15(a)(1)(B), omitting plaintiffs/counter-defendants Smith and Kyla
5 Smith from the caption of the counterclaim pleading. *See Dkt. 19.* Thus, the amended
6 counterclaim renders Smith's motion to dismiss (Dkt. 14) moot.

7 On July 23, 2020, the parties filed the instant stipulated motion to withdraw Smith's
8 motion to dismiss as moot. *See Dkt. 23.* The parties further stipulate that DK Smith
9 International's answer to Global Sales' counterclaim (Dkt. 13) shall be deemed and considered
10 for all purposes its response to Global Sales' amended counterclaim (Dkt. 19). *See Dkt. 23.*

11 The parties' stipulated motion (Dkt. 20) to withdraw Smith's motion to dismiss (Dkt. 14)
12 as moot is hereby GRANTED. The Court further GRANTS the parties' stipulated motion
13 requesting that DK Smith International's answer to Global Sales' counterclaim (Dkt. 13) be
14 deemed and considered for all purposes its response to Global Sales' amended counterclaim. *See*
15 Dkts. 19, 20.

16 The Clerk is directed to update the docket to reflect that Smith's motion to dismiss (Dkt.
17 14) has been withdrawn.

18 Dated this 30th day of July, 2020.

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22 J. Richard Creatura
23 United States Magistrate Judge
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